



LARIMER COUNTY CLERK AND RECORDER

200 W. Oak St.
Fort Collins, CO 80522
970-498-7820

January 16, 2008

Secretary of State Mike Coffman
1700 Broadway, Suite 250
Denver, Colorado 80290

Re: Request for reconsideration of your December 17, 2007 decision regarding the voting system of Premier Election Solutions.

Dear Secretary Coffman:

On behalf of Larimer County and pursuant to section 1-5-621 (6), we are submitting this request for you to reconsider the decision that you issued on December 17, 2007, regarding the voting system of Premier Election Solutions.

Specifically, Larimer County appeals the following portions of your decision:

1. The recertification of the Software (GEMS, Version Number 1.18.24) with conditions. The following conditions are impracticable and/or unreasonable and/or sufficiently unclear as to allow Larimer County to comply.
 - a. Software Conditions #1 – System/database/network security hardening
 - b. Software Conditions #3 – Audit Trail Information
 - c. Software Conditions #4 – Performance Deficiencies
2. The recertification of the Precinct Count Optical Scanner (Accuvote OS Model “D”, Version Number 1.96.6) with conditions. The following conditions are impracticable and/or unreasonable and/or sufficiently unclear as to allow Larimer County to comply.
 - a. Precinct Count Scanner Condition #2 – External Battery backup (UPS) devices required
 - b. Precinct Count Scanner Condition #3 – Device security accessibility
 - c. Precinct Count Scanner Condition #5 – Audit trail information
3. The recertification of the Central Count Optical Scanner (Accuvote OS Model “D”, Version Number 2.0.12) with conditions. The following conditions are impracticable and/or unreasonable and/or sufficiently unclear as to allow Larimer County to comply.
 - a. Central Count Scanner Condition #2 – Ballot processing
 - b. Central Count Scanner Condition #3 – External Battery backup (UPS) devices required
 - c. Central Count Scanner Condition #4 – Audit trail information

4. The recertification of the DRE (TSX-C and TSX-D, Version Number 4.6.4) with conditions. The following conditions are impracticable and/or unreasonable and/or sufficiently unclear as to allow Larimer County to comply.
 - a. DRE Condition #1 – External Battery backup (UPS) devices required
 - b. DRE Condition #3 – Accessible distances
 - c. DRE Condition #4 – Accessible operation.
5. The testing procedures under which such equipment was evaluated has not been disclosed, is impracticable or unreasonable.

Due to impact of each of the conditions, both their individual and cumulative effect, such recertification is constructively equivalent to decertification. Alternatively, even if such conditions do not result in constructive decertification, the conditions lack sufficient specificity to enable Larimer County or Premier Election Solutions to comply.

Larimer County does not request review of the Secretary of State's decision to re-certify regarding the voting system of Premier Election Solutions. However, Larimer County requests the Secretary of State review and remove the conditions announced on December 17, 2007. In the alternative, Larimer County requests the Secretary of State review and release within fifteen (15) days, specific actions which may be undertaken by Larimer County or Premier Election Solutions to comply with the conditions announced on December 17, 2007.

Additional supporting information may be provided by supplementary documentation to be provided at or before the public hearing on this request.

Respectfully submitted,

Scott Doyle
Clerk and Recorder
Larimer County